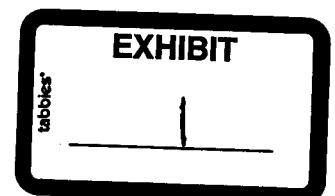


AFFIDAVIT

STATE OF OHIO)
)
COUNTY OF FRANKLIN) ss:

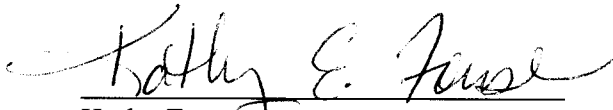
Now comes Kathy Fouse, being first duly cautioned and sworn, and hereby deposes and state the following:

1. I am an African-American female and I was employed by the United States Postal Service as a transitional letter carrier at the West Worthington Branch in Columbus, Ohio.
2. On June 24, 2000, I was on my delivery route using the Agency supplied motor vehicle. My vehicle struck a stationary pole upon pulling out of an establishment that was a delivery stop for me.
3. I telephoned the West Worthington station. Ms. Tracy Blackwell, a supervisor, answered the telephone. I asked to speak to Mr. Jeff Easley, supervisor of Customer Service. Ms. Blackwell informed me that Mr. Easley was not present.
4. I stated to Ms. Blackwell that that I had a "mishap" with my truck. Ms. Blackwell inquired as to my health and then instructed me to return to the station.
5. I drove back to the station, went inside and found Ms. Blackwell. We went out to the truck together. Outside, I explained the entire mishap to Ms. Blackwell. Ms. Blackwell retrieved a set of keys to another truck and sent me back out to finish my route.
6. I returned from my route to find Mr. Easley waiting to speak to me. Mr. Easley, apparently aware of the accident, instructed me to write a statement as to what happened, clock out, and to not return to work until I heard from him.
7. Two days later, Mr. Easley telephoned me and instructed me to return to work on June 27, 2000. I returned to work as instructed and was given mail-casing duties in lieu of the previous mail carrying responsibilities. I continued to work for the next several weeks casing mail. During this time, Mr. Easley told me that I would probably be sent to remedial driver training.



8. On July 14, 2000, Ms. Kathy French, station manager, returned from vacation. Upon her return, she informed me that I was terminated and presented me with a letter of removal. Ms. French and Mr. Easley signed the letter of removal as my supervisors.
9. The letter of removal cited me for a violation of "section 814.2 of the Employee and Labor Relations Manual." The letter of removal further prescribes that "it is the responsibility of all employees to immediately report any accident or injury in which they are involved to their supervisors." Ms. French and Mr. Easley charged me with "Unsatisfactory Performance/Unsafe Act" as a result of the alleged unreported accident.
10. Mr. John Barker, manager of Customer Service, also signed the letter of removal. They then utilized my services for thirty (30) more days before my termination was final.
11. Ms. Tina Tabor, a white female, was employed by the United States Postal Service during the same time as I. Ms. Tabor delivered mail as a part-time flexible or "PTF." As I did, Ms. Tabor worked at the West Worthington Branch and was supervised by Ms. Blackwell, Mr. Easley and Ms. French. Ms. Tabor, while driving mail for the Agency, was involved in an accident wherein she drove a mail truck into a garbage can owned by a postal client.
12. Ms. Tabor did not report the accident to any of her supervisors and a few weeks later the customer contacted the Agency and informed them of the accident. Ms. Tabor's punishment amounted to buying the customer a new trashcan. I, on the other hand, was terminated for allegedly not reporting my accident.

FURTHER AFFIANT SAYETH NAUGHT


Kathy Fouse

Sworn to and subscribed before me
On this the 8th day of December, 2005.

Notary Public
My Commission Expires: 12/12/06



NICHOLAS E. KENNEDY
Attorney At Law
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 R.C.